

Naples City Council

April 11, 2013

Minutes

The regularly scheduled meeting of the Naples City Council was held April 11, 2013, 7:30 p.m., at the Naples City Office, 1420 East 2850 South, Naples, Uintah County, Utah.

DATE, TIME & PLACE OF MEETING

Council members attending were Dean Baker, Robert Hall, Gordon Kitchen, Dan Olsen, and Kenneth Reynolds. Dennis Long was absent

COUNCIL MEMBERS ATTENDING

Others attending were Korinne Peacock, Kathryn Peacock, Jim Harper, Ryan Cook, Chris Hoem, Connie Patton, Craig Blunt, and Nikki Kay.

OTHERS ATTENDING

At 7:30 p.m. Mayor Baker welcomed everyone and called the meeting to order. Mayor Baker opened the meeting with the pledge of allegiance. Councilman Gordon Kitchen offered the invocation.

OPENING CEREMONY

Mayor Baker asked the Council to move item seven on the agenda and place it after item sixteen. Mayor Baker if there were any other changes and if not he would entertain a motion to approve the agenda. Kenneth Reynolds **moved** to approve the agenda as amended. Dan Olsen **seconded** the motion. The motion passed with all in attendance voting aye.

AGENDA APPROVED

Mayor Baker asked for approval of the minutes of March 14, 2013. Gordon Kitchen **moved** to accept the minutes as recorded. Kenneth Reynolds **seconded** the motion. The motion passed with all in attendance voting aye.

MINUTES APPROVED

Mayor Baker asked if anyone had anything to discuss or follow up on from the previous meeting. Nothing was brought forward.

FOLLOW UP ITEMS FROM PREVIOUS MEETING

Due to the Council meeting for March 28, 2013 being cancelled, Nikki Kay e-mailed Council members an invoice register for bills due the end of March. Nikki asked if the Council would ratify payment of those bills in the amount of \$50,001.02. Kenneth Reynolds **moved** to ratify payment of the bills. Robert Hall **seconded** the motion. The motion passed with the following roll call vote:

APPROVAL OF THE BILLS OF MARCH 28, 2013

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Absent
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Connie Patton presented the bills in the amount of \$80,143.80 and asked for approval to pay them. This amount was different from the one received by Council members in their information. Nikki Kay explained they still have an outstanding amount of \$3,600 due to Economy Floor Covering for partial payment of an invoice for new carpet. The amount requested for approval was \$76,543.80. Kenneth Reynolds **moved** to approve the \$76,543.80. Dan Olsen **seconded** the motion. The motion passed with the following vote:

APPROVAL OF THE BILLS

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Absent
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

At a previous meeting Council members moved to hold a public hearing to open and amend the budget to allow the expenditure of funds for the Hwy 40 street light project. Nikki Kay e-mailed the Council members and asked if they would approve a transfer of funds within the capital project road fund instead of holding the public hearing. A majority of the Council members responded and approved the transfer. Nikki asked if the Council would ratify the transfer of funds from GL account 40-40-262 to 40-40-260. Gordon Kitchen **moved** to ratify the transfer of funds for the street light project. Robert Hall **seconded** the motion. The motion passed with the following vote:

RATIFY TRANSFER OF FUNDS FOR STREET LIGHT PROJECT

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Absent
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Chris Hoem presented the changes the Planning Commission made to Chapter 02-04 of the Land Use Ordinance. The changes were to the Planning Commission bylaws chapter.

***ORDINANCE 13-154
AMEND LAND USE
ORDINANCE CHAPTER 02-***

Councilman Kitchen wanted to know why they didn't take the bylaws out of the Land Use Ordinance as discussed. Chris said it was because Dennis Judd decided they needed to remain where they are because they also deal with the "how and why" procedures of the Planning Commission. Councilman Olsen wanted to know if the Planning Commission has discussed the changes. Chris said they have. Councilman Kitchen wanted to know about the part where it discusses a secretary for the Commission. Chris said the Planning Commission could appoint him as the secretary if they choose. Mayor Baker said he still had a problem with how many people can make a quorum and stated he thought the Commission should still have to have three regular members to make a quorum. Councilman Kitchen asked why he wanted it that way. Mayor Baker said it makes the Commission members take accountability. He said this makes it easy for the members not to show up if there is something controversial being discussed. Councilman Reynolds said they wouldn't need any alternate members if they made that change because they wouldn't be able to vote. He also said he liked the way it was written because you always have to have an odd number to vote. Councilman Reynolds said sometimes it just happens only two of the regular members can make it and thought that is why they wanted the alternates. Councilman Kitchen said he thought that was the reason also. Mayor Baker said those were not his thoughts. He thought they were just there to learn the process. He stated he had never cared for alternates on the whole thing. Councilman Olsen said to be able to vote gives an alternate member a purpose to come to the meeting. Mayor Baker said they still could participate and vote if only three regular members showed because two alternates would still get to participate. Councilman Reynolds said if only two regular members show then they have to cancel the meeting because there wouldn't be a quorum. Mayor Baker said he understands that. Councilman Reynolds **moved** to approve the changes "as is" if there were no other questions. Chris said, with the new term dates, Dale Harrison would be a member until January 2015. Councilman Olsen wanted to know how they determined the dates. Chris said they used the date they became a member or alternate member. Councilman Kitchen questioned the monthly pay of \$25 per meeting and thought they had discussed increasing that to \$30. Chris said they might have to make that change in July because he is getting down in his funds because of the additional members. Mayor Baker wanted to know if the alternate members term starts when they become an

alternate. Chris said it does. Mayor Baker said they might as well have ten regular members then. Chris said Dennis Judd told them they can't do that. Dennis told them it is a five-member board and they couldn't have more than five people vote. Councilman Olsen said they could make the change in the pay effective July 1, 2013 in the changes and they wouldn't need to bring it back. Dan Olsen **seconded** Councilman Reynold's motion, and asked to include the notation on the salary increase. Councilman Reynolds was okay with the amendment. Mayor Baker asked if Nikki would do the roll call on this. The motion passed with the following vote:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Absent
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Mayor Baker said he did not appoint Andrew Bentley to the Planning Commission at a previous meeting because Mr. Bentley did not yet live in Naples City. Mayor Baker said Mr. Bentley is now a resident of Naples and he would like to appoint him to the Planning Commission. Robert Hall **moved** to approve the appointment. Kenneth Reynolds **seconded** the motion. The motion passed with all voting aye.

***APPROVAL OF ANDREW
BENTLEY TO THE
PLANNING COMMISSION***

Craig Blunt told the Council the 1700 South drainage project has been very difficult to get someone to bid on. Craig stated he only received one proposal back from his latest attempt. The proposal came from Hube's Construction but it did not include the square footage for the asphalt. Craig said the driveway portion of this project that is currently asphalted will be put into concrete and there will just be a patch of asphalt on the driveway approach and near the gutter. Craig said the Council can either postpone approval until he has a definite amount or they can put a limit on the amount allowed. Kenneth Reynolds **moved** to approve up to \$14,000 for the 1700 South drainage. Gordon Kitchen **seconded** the motion. The motion passed with the following roll call vote:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Absent
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

***AWARD CONTRACT FOR
1700 SOUTH DRAINAGE
PROJECT***

Craig Blunt told the Council the ADA crossings on 1900 South at the Naples School are not correct according to current standards. He said not having the correct crossings puts the school and the City at risk. Craig said they would need to take out a portion of the sidewalk on both sides and put in ADA approaches. The bid he received to take care of this was \$7,000 from Hooper and Sons. Craig said they would need to take out 35' of sidewalk and 30' of curb and gutter. Craig said they would replace the approach with the truncated domes. Councilman Olsen said it needs to be done and **moved** to approve the expenditure. Robert Hall **seconded** the motion. The motion passed with the following vote:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Absent
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

P R O P O S E D CORRECTIONS FOR 1900 S O U T H S C H O O L CROSSING

Road Department - Ryan Cook came before the Council to request approval to purchase the herbicides they will need for this season. The amount requested was \$1,070.90. Councilman Olsen asked about the Vista XRT. Ryan said it was a broad leaf herbicide they were trying. Robert Hall **moved** to approve \$1,070.90 for the herbicide. Gordon Kitchen **seconded** the motion. The motion passed with the following vote:

Gordon Kitchen	Aye
Kenneth Reynolds	Aye
Dennis Long	Absent
Dan Olsen	Aye
Robert Hall	Aye

PURCHASE REQUESTS

Ryan Cook also asked for approval to purchase a tool box. Ryan said in order to stay in compliance with the new laws their herbicide has to be locked up. The amount presented for the tool box was \$800. Dan Olsen **moved** to approve up to \$800 for the tool box. Gordon Kitchen **seconded** the motion. The motion passed with a roll call vote as follows:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Absent
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Ryan Cook also asked for approval to purchase seat covers for the new truck. Ryan said they get in and out of the trucks all day and the upholstery on the seats won't last without covers. Ryan explained the seat covers he requested to purchase have a two-year warranty. Gordon Kitchen **moved** to approve \$630.80 for the seat covers. Kenneth Reynolds **seconded** the motion. The motion passed with the following vote:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Absent
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Jim Harper told the Council they are trying to make their trucks more visible by installing better lighting. Jim wanted to purchase a light bar for the new pickup. Councilman Reynolds asked what they do with the old light bars. Jim said they have been putting them on the emergency trailers. Dan Olsen **moved** to approve up to \$850 for the purchase of the light bar. Kenneth Reynolds **seconded** the motion. The motion passed with the following roll call vote:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Absent
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Jim Harper asked the Council for approval to purchase new vertical panels. Jim said the vertical panels are replacing the safety cones and if they do any work on the highway they will now be required to have the vertical panels. Jim said they can still use the cones on the other streets but not the highway. Jim said the department already has the bases that hold the panels. Jim presented two bids on the vertical panels. The low bid was \$950 plus shipping for thirty panels. Robert Hall **moved** to approve up to \$1,050 for the vertical panels. Dan Olsen **seconded** the motion. The motion passed with a roll call vote as follows:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Absent
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Ryan Cook updated the Council on the safety presentation he wanted to do at the Naples Elementary School. Ryan said he would like to do the presentation around the last week of school. He thought about having the kids guess the weight of a five-gallon bucket of dirt and give a prize to whoever guesses the closest. He said at least five gallons of dirt is what would come down on a child if a trench caved in. Ryan said he has been trying to raise a little money to help with the prizes and had already received money from Corey Goodrich. Councilman Reynolds thought it was a good idea and had no problem with Ryan moving forward with it. Councilman Kitchen said the City should be able to help out also if Ryan runs short on the amount of funds needed.

UPDATE ON SCHOOL SAFETY PROGRAM

Police Department - Nikki Kay explained that Adam Ray was currently in St. George attending CVA training. Officer Ray did not submit the travel request in time for Chief Watkins to present it at the last meeting. The amount for the travel was \$454.52. Councilman Kitchen wanted to know if it needed approval where it was under the \$500. Craig said it has always been policy, when someone travels out of the area, to have Council approval. Dan Olsen **moved** to ratify the expenditures. Robert Hall **seconded** the motion. The motion passed with the following vote:

TRAINING AND TRAVEL REQUESTS

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Absent
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

City Prosecutor - Rachelle Palmer submitted a travel request to attend the Spring Prosecutor's Conference in Salt Lake City. The travel request was for \$429.94. Dan Olsen **moved** to approve the request. Gordon Kitchen **seconded** the motion. The motion passed as follows:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Absent
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

City Planner - Chris Hoem requested travel approval in the amount of \$674.44 to finish up his costs for the ICSC conference in Las Vegas. Chris said they already have appointments lined up at the conference and some really

good information compiled to give prospective businesses. Council Kitchen questioned if Chris would need additional funds for parking at the airport. Chris said he hadn't thought about that. Robert Hall **moved** to approve \$724.44 for the travel. Dan Olsen **seconded** the motion. The motion passed with a roll call vote:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Absent
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

City Treasurer - Connie Patton asked for approval to attend the Public Treasurer's conference in St. George. Dan Olsen **moved** to approve \$752.19 for the Treasurer. Robert Hall **seconded** the vote. The motion passed with the following vote:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Absent
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Craig Blunt gave the Council an update on the 2500 South east intersection project for the canal. Craig explained that the engineer he has been working with on the project no longer works for Epic Engineering. Craig said he is waiting to hear from them to see who is taking his place. Craig said he also received a call from the contractor on the project and was told they want to wait until summer to complete the project. Craig said the contractor spoke with the canal company and was told they could divert the water for at least one day to complete the project.

***UPDATE ON 2500 SOUTH
EAST INTERSECTION
PROJECT***

Craig came before the Council to ask approval to expend funds to repair the intersection on the west side of 2500 South. Craig said as UDOT worked on the two radiuses on the curb and gutter and sidewalk for the new signal light, an elevation difference was created where the road ties in with the highway. Craig said when the City completed work on 2500 South they stopped short of the intersection because they weren't sure what would happen with the tie in and they were going to let UDOT do that. Craig said UDOT did not do that and the radius is lower than the asphalt. Craig said he was told by UDOT that the asphalt approach would need to

***EXPENDITURE FOR 2500
S O U T H W E S T
INTERSECTION***

be redone to tie in both radiuses. Craig asked them if it was their responsibility and they said no, the City would have to take care of it. Craig said in order to correct the problem he thought Larry Allred could mill it down and re-lay it so they can put the crown of the road center of the intersection and tie the two gutters with the asphalt. The estimate from Larry Allred to complete the project was \$7,500. Craig said they would have to add money into this project somehow because this expense will make the project over budget. Councilman Reynolds wanted to know when the lights were going to go in. Craig said the reasons the lights were not in was because Rocky Mountain Power didn't pull the power soon enough, there was no asphalt available at the right time, and they had another job they needed to be to. With no other discussion, Gordon Kitchen **moved** to approve \$7,500 for this project. Kenneth Reynolds **seconded** the motion. The motion passed with the following vote:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Absent
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Chris Hoem came before the Council to discuss the changes to chapter 02-16 of the Land Use Ordinance regarding sign regulations. Councilman Kitchen wanted to know if the changes made would help Scott Bingham with the sign he wants to put up. Craig Blunt said the State would support the signs on the Hwy more if they were multiple advertisement signs. Councilman Hall asked Chris if he could paint a picture of what this sign would like and where else in the City it could also happen. Chris said it could happen at any of the major intersections along the Hwy in the City. Chris said it wouldn't go to 2500 South because the industrial area does not extend that far. Mayor Baker wanted to know if that would be discriminating against any commercial business. Chris pointed out that 2500 South was not included because almost everything on both sides of the Hwy is residential, but said they could certainly add 2500 South to the allowed intersections. Mayor Baker said if they open this up and start allowing these signs he sees all kinds of signs going up at each intersection. Chris said that wouldn't necessarily be true. He said just because the Ordinance is in place there would still be limits due to property owners and UDOT regulations. Mayor Baker said he doesn't think Vernal City allows something like this except in areas like K-Mart or the

***ORDINANCE 13-153
APPROVE CHANGE TO
CHAPTER 02-16 OF LAND
USE ORDINANCE SIGN
REGULATIONS***

Foley's office complex. Chris said Vernal doesn't allow this but they have a different situation than the City. Craig wanted to know about Winder Industrial along 500 South. Chris said this was only dealing with Hwy 40. Chris said UDOT regulations state how close together the signs can be along the highway. Councilman Hall asked if the UDOT guidelines were referred to in this chapter. Chris said it's referred to on the last page. Councilman Kitchen suggested that Chris state what UDOT's regulations are. Chris said he has referred to those regulations and where they can be found, he said that way if UDOT changes the regulations they are automatically changed in the Ordinance. Councilman Kitchen wanted to know if the Planning Commission has reviewed all of this thoroughly. Chris said he believed so. Chris also pointed out the change to the size of signs allowed in Industrial and Commercial zones. Chris said the size allowed for signs is now based on the size of the lot and has a maximum allowance. Chris said they also have different rules if a business shares a sign with someone else. He said they hoped businesses would combine the use of a sign and this would help reduce the number of signs that are put up. Councilman Kitchen asked about the illuminated signs and how the changes in the Ordinance would affect the business that already have them. Chris said they would be grandfathered in. Councilman Olsen asked about the signs in residential areas and how the Planning Commission feels about them. Chris said they reviewed that portion quite a while back and hadn't discussed it. Chris read where some of the signs for advertising a home occupation were listed as conditional uses and he thought that would need to be changed and just list out the conditions. Kenneth Reynolds **moved** to approve Ordinance 13-153, changes to chapter 02-16 of the Land Use Ordinance, as a first reading. Gordon Kitchen **seconded** the motion. Councilman Kitchen wanted to know if Chris was going to make any changes to the Ordinance for businesses along 500 South in the Winder Industrial Park. Chris said he would look at that. Mayor Baker wanted to know if that meant that any intersection or any street could have a sign for a business. Councilman Reynolds wanted to know if they should limit these allowances to just the highway. Councilman Kitchen wanted to know if they could word it to limit it to off-streets that are zoned commercial or industrial. Mayor Baker voiced his concern about opening this up to every intersection in the City. Councilman Kitchen asked Chris to look closely at the wording to see where the signs are allowed. Mayor Baker said they have received a motion and a second on this

matter to accept this as a first reading, he asked Nikki Kay to do the roll call on this. The motion passed with the following roll call vote:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Absent
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Ryan Cook recommended, while they were talking about signs, they might want to see about getting a sign put up to advertise the Naples Park. Craig said the small sign they used to have was taken down during construction on the highway and he would see about getting it put back up.

***OTHER MATTERS -
FUTURE COUNCIL
MATTERS***

Councilman Kitchen asked when the parking lot fence at the Naples ball field would be put back up, it was taken down during the drainage project. Mayor Baker said they talked about making it an eagle scout project. He thought they could get someone to put up a curb and put it back. Councilman Kitchen said the park is getting very busy with ball season and it needs put back up before someone drives on the grass. Mayor Baker asked Craig if he would contract the scout office and let them know this project is available. Councilman Kitchen thought it should be put back up, at least temporarily, to keep people from coming onto the grass. Mayor Baker said they wanted to take down all of the fence and make it look better. Councilman Kitchen said they have started into the ball season now and he's worried about it, he thought they could have someone weld the pipe back up now and then come back in and complete the project. Mayor Baker said if they put it back it will never get completed. Mayor Baker told the road department to just get it welded up.

Dan Olsen **moved** to go into a closed session to discuss the purchase, exchange, or lease of real property. Robert Hall **seconded** the motion. The motion passed with the following vote:

***CLOSED SESSION TO
DISCUSS THE PURCHASE,
EXCHANGE OR LEASE OF
REAL PROPERTY***

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Absent
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Those present in the closed session were Dean Baker, Robert Hall, Dan Olsen, Kenneth Reynolds, Gordon Kitchen, Craig Blunt, Chris Hoem, and Nikki Kay.

Dan Olsen **moved** to go out of the closed session. Gordon Kitchen **seconded** the motion. The motion passed with all voting aye.

Robert Hall **moved** to proceed with the appraisal on the property discussed. Gordon Kitchen **seconded** the motion. The motion passed with all in attendance voting aye.

With no other business before the Council, Kenneth Reynolds **moved** to adjourn the meeting at 9:10 p.m. Gordon Kitchen **seconded** the motion. The meeting was adjourned.

MOTION TO ADJOURN

APPROVED BY COUNCIL ON THE 25th DAY OF APRIL 2013

BY: _____

ATTEST: _____